

REMARKS

Claims 1-4, 6-14 were pending in the Present Application. By this Amendment, claims 1, 6, and 14 are amended. Claims 2, and 11-13 remain withdrawn from consideration.

Claim Amendments

Support for the amendments to claims 1, 6, and 14 may be found in the figures and the text of the Present Application. More specifically, paragraphs [0112]-[0116]. Moreover, examples of inwardly deflecting needle retainers are shown in FIGS. FIGS. 25-27 at 740.

In support for the claim amendments presented in the Supplemental Amendment dated December 20, 2007, the applicants mistakenly pointed to support for the amendments “in the figures and text of the Present Application with respect to all of the embodiments disclosed *except* those shown in FIGS. 21-27” (emphasis added). Claims 1, 6, and 14, as amended herein, are directed to elected species IX, as shown in FIGS. 25-27, elected on August 10, 2005.

Double Patenting

Claim 6 is rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 2 of U.S. Patent no. 6,436,070. A terminal disclaimer is filed herewith in compliance with 37 C.F.R. § 1.321 (c).

Claim Rejections – 35 U.S.C. § 112

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 112, first paragraph, for allegedly containing subject matter not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventors, at the time of filing, had possession of the claimed invention.

Independent claims 1, 6, and 14 have been amended herein and no longer recite a pivot in relation to elected species IX. Amended claims 1, 6, and 14 recite a needle retainer comprising a radially deflecting elongated arm which directly engages the catheter hub and deflects inwardly toward the inside of the housing in order to release the needle. As discussed previously, support for claims 1, 6, and 14 may be found in paragraphs [0099]-[0116] and FIGS. 25-27 at 740 that show and describe various embodiments with a needle retainer that inwardly deflects towards the inside of the housing in order to release the needle.

Accordingly, applicants respectfully submit that the elements of the claimed invention are described in such descriptive terms as to reasonably convey to one of skill in the art that the inventor had possession of the invention at the time of filing.

Therefore, applicants request that the rejection of claims 1-4 and 6-14 under 35 U.S.C. 112 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the applicants submit that the claims define patentable subject matter and a Notice of Allowance is respectfully requested. Should questions exist after consideration of the foregoing, the Office is

kindly requested to contact the applicants' attorney at the address or telephone number given herein.

Please continue sending all correspondence to Paul Evans at the following address: (Customer No. 26,152).

Specialized Health Products, Inc.
c/o Intellevate
P.O. Box 52050
Minneapolis, MN 55402

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Respectfully submitted,

/Kevin B. Laurence/

Kevin B. Laurence
Registration No. 38,219
Attorney for Applicants

STOEL RIVES, LLP
201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 578-6932
Facsimile: (801) 578-6999